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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/766,989	01/28/2004	Noboru Shimoyama	1232-5267	5015
27123	7590	12/16/2005	EXAMINER	
MORGAN & FINNEGAN, L.L.P. 3 WORLD FINANCIAL CENTER NEW YORK, NY 10281-2101			UHLENHAK, JASON S	
			ART UNIT	PAPER NUMBER
			2853	

DATE MAILED: 12/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/766,989	SHIMOYAMA, NOBORU
Examiner	Art Unit	
Jason Uhlenhake	2853	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on \_\_\_\_.  
 2a) This action is FINAL. 2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-5 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_ is/are allowed.  
 6) Claim(s) 1-5 is/are rejected.  
 7) Claim(s) \_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_.

4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date \_\_\_\_.  
 5) Notice of Informal Patent Application (PTO-152)  
 6) Other: \_\_\_\_.

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claim 1 rejected under 35 U.S.C. 102(e) as being anticipated by Ishikawa et al (U.S. Pat. 6,364,446).

#### ***Ishikawa et al discloses:***

- regarding claim 1, ink jet printing apparatus having a carriage scanning means for moving and scanning a carriage which a print head that ejects ink is mounted (Column 6, Lines 53 – 67)
- control means (Figure 11) for causing concurrent performance of a print medium feeding and conveying operation of continuously conveying said print medium while shifting said print medium from said print medium feeding means (1009 of Figure 11) to said print medium conveying means (Column 7, Lines 43 – 57; Column 14, Lines 11 – 15) and a preliminary ejecting operation of said print head (Column 22, Lines 49 – 58)

- control means providing control such that not all of driving of said print medium feeding means, driving of said print medium conveying means, and said preliminary ejecting operation are simultaneously performed (Column 13, Lines 45 – 62)

Claim 5 is rejected under 35 U.S.C. 102(b) as being anticipated by Rasmussen et al (U.S. Pat. 4,872,026).

***Rasmussen et al discloses:***

- preliminary ejecting method comprising: a first step of moving a carriage on which a print head that ejects ink is mounted, to a position where preliminary ejection can be carried out (Column 1, Lines 23 – 26; Column 2, Lines 64 – 68; Column 3, Lines 1 – 7)

- second step of allowing said print head to carry out preliminary ejection (Column 19, Lines 63 – 68; Column 20, Lines 1 – 16)

- third step of moving said carriage to a position where said print head can execute printing on a print medium (Column 3, Lines 36 – 40)

- fourth step of feeding one of a plurality of stacked print media (Column 3, Lines 29 – 30)

- fifth step of conveying said print medium fed by said fourth step to a position where printing can be carried out using said print head (Column 3, Lines 33 – 35)

- wherein three or more of said first to fifth steps are not simultaneously executed. It is obvious that the second step cannot be executed until the first step is

completed, and the third step cannot be executed until the second step is completed.

Thus at least three of the five steps are not simultaneously executed.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2, 3, and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ishikawa et al (U.S. Pat. 6,364,446) in view of Rasmussen et al (U.S. Pat. 4,872,026).

#### ***Ishikawa et al discloses the following:***

- ***regarding claim 4***, wherein ink jet printing apparatus has a first driving source that electrically drives said carriage scanning means (1710 of Figure 2), a second driving source that electrically drives said print medium feeding means (1009 of Figure 11), and not all of said driving sources are simultaneously driven (Column 13, Lines 57 – 62)

#### ***Ishikawa et al does not disclose expressly:***

- ***regarding claim 2***, wherein preliminary ejecting operation is performed concurrently with said operation performed by said print medium conveying means to convey said print medium the position where printing can be carried out using said print

head, said conveying operation being included in said print medium feeding and conveying operation

- ***regarding claim 3***, wherein said preliminary ejecting operation includes a step of allowing said carriage scanning means to move said carriage to a position where said print head can carry out preliminary ejection, a step of allowing said print head to carry out preliminary ejection, and a step of allowing said carriage scanning means to move said carriage to a position where said print head can execute printing on said print medium

- ***regarding claim 4***, wherein ink jet printing apparatus has a third driving source that electrically drives said print medium conveying means

***Rasmussen et al discloses:***

- ***regarding claim 2***, wherein preliminary ejecting operation is performed concurrently with said operation performed by said print medium conveying means to convey said print medium the position where printing can be carried out using said print head (Column 3, Lines 33 – 35), said conveying operation being included in said print medium feeding and conveying operation (Column 20, Lines 4 – 6). For the purpose of ensuring that all nozzles of the print head are firing properly.

- ***regarding claim 3***, wherein said preliminary ejecting operation includes a step of allowing said carriage scanning means to move said carriage to a position where said print head can carry out preliminary ejection, a step of allowing said print head to carry out preliminary ejection (Column 19, Lines 63 – 68; Column 20, Lines 1 – 6), and a step of allowing said carriage scanning means to move said carriage to a position

where said print head can execute printing on said print medium (Column 3, Lines 36 – 40). For the purpose of clearing any nozzle clogs that might develop before printing begins.

- ***regarding claim 4***, wherein ink jet printing apparatus has a third driving source that electrically drives said print medium conveying means (Column 1, Lines 29 – 40). For the purpose of conveying a sheet of the medium from the paper supply to the collection means through a printing zone.

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to incorporate the teaching of ***regarding claim 2***, wherein preliminary ejecting operation is performed concurrently with said operation performed by said print medium conveying means to convey said print medium the position where printing can be carried out using said print head, said conveying operation being included in said print medium feeding and conveying operation; ***regarding claim 3***, wherein said preliminary ejecting operation includes a step of allowing said carriage scanning means to move said carriage to a position where said print head can carry out preliminary ejection, a step of allowing said print head to carry out preliminary ejection, and a step of allowing said carriage scanning means to move said carriage to a position where said print head can execute printing on said print medium; ***regarding claim 4***, wherein ink jet printing apparatus has a third driving source that electrically drives said print medium conveying means; as taught by Rasmussen et al into the device of Ishikawa et al. The motivation for doing so would have been to improve the quality of printing.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason Uhlenhake whose telephone number is (571) 272-5916. The examiner can normally be reached on Monday - Friday 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Meier can be reached on (571) 272-2149. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JSU  
November 21, 2005

*Jason Uhlenhake*

*K. Feggins 12/05*  
K. FEGGINS  
PRIMARY EXAMINER